

REMARKS

Reconsideration and further examination is respectfully requested. Claims 1, 3, 4, and 6-8 remain in the Application. Claims 1, 4, and 7 have been amended. Claims 2 and 5 have been previously canceled without prejudice.

Applicant has invented a data protection system that integrates a database with Windows Explorer in the Microsoft Windows 9X and NT Environments that mimics the Windows Explorer user interface, enabling the user to apply already known use paradigms. The data protection system appears as an extension to Windows Explorer and visibly appears as a folder item called the data vault. The data vault is a virtual disk that represents the underlying database. The database creates records and stores information about files backed up to removable secondary storage media, wherein each volume of the removable media has a unique identifier created using a Globally Unique Identifier (GUID). As discussed in Applicant's specification, page 18, lines 16-28, a GUID is created using a well defined method using the computer date and time and a machine identifier from the computer circuitry that guarantees that the GUID will be a globally unique name.

A telephone interview was held between Applicant's Attorney, James R. Young, and Examiner Monplaisir Hamilton on Sept. 25, 2003 wherein Examiner Hamilton responded to questions about the rejection by Attorney Young. No agreement was reached on any claim.

A further telephone interview was held between Applicant's Attorney, James R. Young, and Examiner Monplaisir Hamilton on October 27, 2003. Attorney Young faxed a proposed amendment to Examiner Hamilton, which Examiner Hamilton reviewed. Examiner Hamilton stated that further searching would be required for the amended claims. No agreement was reached on any claim.

The Examiner rejected claim 1 under 35 U.S.C. 112 stating that there is insufficient

antecedent basis for "removable storage device" and suggested changing "removable" to secondary.

Claim 1 has been amended as the Examiner suggested.

The Examiner rejected claims 1, 3, 4 and 6 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,638,509, issued to Dunphy, further in view of U.S. Patent 6,370,545, Issued to Saath et al.

Applicant has amended claims 1 and 4 to incorporate specific language for creating the GUID. Support for this amendment can be found in Applicant's specification, page 18, lines 16-28. Applicant believes claims 1, 3, 4, and 6 are allowable in view of this change.

The Examiner rejected claims 7 and 8 under 35 U.S. 103(a) as being unpatentable over Shaath, et al.

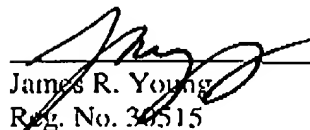
Claim 7 has been amended in the same manner claims 1 and 4 were amended. Applicant believes claims 7 and 8 are allowable in view of this change.

Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone James R. Young, Applicants' Attorney at 512-869-2606 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

10/27/03
Date


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